

Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Wednesday, January 15, 2003 – 2:00 p.m.  
State Fairgrounds, Wildlife Building  
17<sup>th</sup> Avenue & McDowell Road  
Phoenix, Arizona

PRESENT: (Commission)

(Director's Staff)

Vice Chairman Joe Carter  
Commissioner W. Hays Gilstrap  
Commissioner Joe Melton

Director Duane L. Shroufe  
Deputy Director Steve K. Ferrell  
Asst. A.G. Jay Adkins  
Asst. A.G. Jim Odenkirk

Vice Chairman Carter called the meeting to order at 2:00 p.m. Commissioner Chilton was not present due to a previous commitment. Commissioner Golightly was absent due to illness.

1. Preview of the 2002 *Year in Review* Video and Slide Presentation for the January 18, 2003, Saturday Afternoon "Meet the Commission" Event

**Presenter:** Joe Janisch, Information Branch Chief

The Department provided the Commission with a preview of the 2002 *Year in Review* video for the January 18, 2003, Saturday afternoon "Meet the Commission" event.

Mr. Janisch stated the video would be getting a lot of use at hunting and fishing expos and on television.

The Commission was pleased with the production.

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Meeting adjourned at 2:20 p.m.

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Minutes of the Meeting of the  
Arizona Game and Fish Commission  
Friday, January 17, 2003 – 8:00 a.m.  
State Fairgrounds, Wildlife Building  
17<sup>th</sup> Avenue & McDowell Road  
Phoenix, Arizona

PRESENT: (Commission)

(Director's Staff)

Chairman Michael M. Golightly  
Commissioner Joe Carter  
Commissioner Sue Chilton  
Commissioner W. Hays Gilstrap  
Commissioner Joe Melton

Director Duane L. Shroufe  
Deputy Director Steve K. Ferrell  
Asst. A.G. Jay Adkins  
Asst. A.G. Jim Odenkirk

Chairman Golightly called the meeting to order at 8:05 a.m.

1. Executive Session

- a. Legal Counsel. *State of Arizona v. Norton*, CIV 02-0402-PHX-FJM; *Montoya v. Manning*, 301. F.3d 985 (9th Cir. 2002); *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game and Fish Commission & Shroufe*, CIV 2000-020754; *Mary R. LLC, et al. v. Arizona Game and Fish Commission*, CIV 2001-015313, and *Ameduri and Yee et al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02-2495 PCT FJM.
- b. Legal Advice. Issues related to the Open Meeting Law
- c. Purchase of Real Property and associated water rights
- d. Personnel Matters. Director's performance related to his goals and objectives.

**Motion:** Carter moved and Melton seconded THAT THE COMMISSION GO INTO EXECUTIVE SESSION.

**Vote:** Unanimous

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Meeting recessed at 8:05 a.m.

Meeting reconvened at 9:22 a.m.

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Chairman Golightly called the meeting to order at 9:00 a.m. The commissioners introduced themselves and Chairman Golightly introduced Director's staff. The meeting followed an addendum dated December 27, 2002.

## Awards

Cari Mausling, Project Accountant, Funds Planning, received a certificate of appreciation for "Continuous Outstanding Performance" from the Bureau of Reclamation.

Certificates of appreciation for their support for the 2002 Junior Arizona Mule Deer Association youth camps (for Units 1, 27 and 24A) were received by Richard Remington, Region I Supervisor; Mike Godwin, Field Supervisor, Region I; Dave Cagle, Game Specialist, Region I; Chris Bagnoli, Wildlife Manager, Region I; Jim Hinkle, Wildlife Manager, Region I; Craig McMullen, Field Supervisor, Region VI; Kevin Bergersen, Field Supervisor, Region VI; Marty Fabritz, Wildlife Manager, Region VI; Tom Hildebrandt, Wildlife Program Manager, Region VI and Don Winslow, Hunter Education Branch, Information and Education Division.

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## 2. Litigation Report

*State of Arizona v. Norton*, CIV 02-0402-PHX-FJM; *Montoya v. Manning*, 301 F.3d 985 (9th Cir. 2002); *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game and Fish Commission & Shroufe*, CIV 2000-020754; *Mary R. LLC, et al. v. Arizona Game and Fish Commission*, CIV 2001-015313, and *Ameduri and Yee et al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02-2495 PCT FJM.

A copy of the report, which was provided to the Commission prior to today's meeting, is included as part of these minutes.

Mr. Odenkirk noted a case was not in this report but would be included in future reports. The Director was served with a suit recently by a ranching organization alleging the mismanagement of elk caused damage to the ranching entity. The basis of the claim is that during this past grazing season, the individual's grazing permit on the Tonto National Forest was either reduced or eliminated. The Forest Service stated that because of the forage conditions on the allotment, the rancher could not graze cattle during the season. This caused the rancher to sell his cattle at a rate below what he would have normally sold the livestock. The rancher made a claim against the state and the Department for the amount of money he lost for having to sell the cattle early. The rancher alleges the mismanagement of elk populations caused the forage problem. The Liability Management Section in the Attorney General's Office is handling this case because it deals with damage claims. There are significant policy implications involved in such a claim.

Commissioner Carter asked what course would be pursued with respect to the Supreme Court's decision on *Montoya v. Manning*. On January 10, 2003, the Supreme Court, without comment, denied the petition for certiorari. Mr. Adkins stated the case was now in the U.S. District Court for a potential determination by the judge as to whether or not the current 10% cap regulation is sufficient under the Commerce Clause. The petition had been supported by an amicus brief from 22 states and an amicus brief from the International Association of Fish and Wildlife Agencies. On January 13, the Department's supplemental briefing was filed in the U.S. District Court. Mr. Adkins

noted Mr. Lenzeni was to have received a letter from the clerk of the Supreme Court that may have included more details. Mr. Adkins had not yet seen a copy of the letter. He stated there would be vigorous defense of the current regulation in District Court in hopes of agreement that the current regulation is constitutional. In the event this does not occur, alternatives were being explored to regulate the interests the Department has in providing hunting and recreational opportunities for Arizona citizens. There is a briefing scheduled; a decision may be rendered soon.

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### 3. Consent Agenda

- a. Request for the Commission to Approve an Agreement with Pima County to Support the County's Participation in the Silverbell Sheep Study. Department recommendation: That the Commission vote to approve initiation of the Department to enter into an agreement with Pima County to facilitate their participation in a desert bighorn sheep study in the Silverbell Mountains and Ironwood Forest National Monument.
- b. Approval of the Intergovernmental Agreement Between the Arizona Game and Fish Commission and the City of Surprise to Participate in the Urban Fishing Program. Department recommendation: That the Commission vote to authorize the Director to execute an Urban Fishing Program Intergovernmental Agreement with the City of Surprise.
- c. Request for the Commission to Approve the Agreement Between the Commission and the City of Phoenix for a Utility Right-of-Way at the Ben Avery Shooting Facility, Maricopa County, Arizona. Department recommendation: That the Commission vote to approve the agreement with the City of Phoenix for a utility right-of-way at the Commission's Ben Avery Shooting Facility in Maricopa County, Arizona, and to execute the agreement as attached or as recommended or approved by the Office of the Attorney General.

Director Shroufe asked that this item be pulled from the Consent Agenda because there were several issues that have arisen since it was put on the agenda. Chairman Golightly agreed to pull the item from Consent Agenda consideration.

- d. Request for the Commission to Approve the Agreement for Right-of-Way with Navopache Electric Cooperative for the Purpose of Continuing Service for Construction, Operation and Maintenance of Electric Poles and Lines Through the Commission's Lee Valley Lands, Apache County, Arizona. Department recommendation: That the Commission vote to approve the agreement for right-of-way with Navopache Electric Cooperative for the purpose of continuing service to construct, operate and maintain electric poles and lines through the Commission's Lee Valley lands, and execute the agreement as attached or as recommended or approved by the Office of the Attorney General. In accordance with ARS Title 17-241.B, the agreement is subject to the approval of the Governor and State Land Commissioner.

- e. Request for the Commission to Approve the Special Use Permit with the Forest Service, Coronado National Forest, for the Purpose of Continuing Maintenance and Operation of Riggs Flat Lake, Graham County, Arizona. Department recommendation: That the Commission vote to approve the special use permit with the Forest Service, Coronado National Forest, for the purpose of continuing maintenance and operation of Riggs Flat Lake, Graham County, Arizona, and execute the permit as attached or as recommended or approved by the Office of the Attorney General.
- f. Request for the Commission to Approve the Agreement with the Navajo County Parks and Recreation Department to Operate and Maintain the Commission's Show Low Lake Property and Boat Ramp in Navajo County, Arizona. Department recommendation: That the Commission vote to approve the agreement with the Navajo County Parks and Recreation Department to operate and maintain the Commission's Show Low lake property and boat ramp in Navajo County, Arizona, and to execute the agreement as attached or as recommended or approved by the Office of the Attorney General.
- g. Request for the Commission to Approve the Agreement for Permit with Tucson Electric Power Company for the Purpose of Continuing Service for Construction, Operation, and Maintenance of Poles and Lines Through the Commission's Tucson Regional Office, Pima County, Arizona. Department recommendation: That the Commission vote to approve the agreement for permit with Tucson Electric Power Company for the purpose of continuing service to construct, operate and maintain electric poles and lines through the Commission's Tucson Regional Office and execute the agreement as attached or as recommended or approved by the Office of the Attorney General, in accordance with ARS Title 17-241.B, the agreement is subject to the approval of the Governor and State Land Commissioner.
- h. Collection Agreement with the City of Scottsdale for the Transfer of Heritage Carry-Forward Monies to the City of Scottsdale. Department recommendation: That the Commission vote to allow the Director to execute a collection agreement with the City of Scottsdale.
- i. Request for the Commission to Approve Extensions of the Bureau of Land Management Recreation and Public Purposes Lease Until a Patent is Issued to the Commission, for the Yuma Regional Office, Yuma County, Arizona. Department recommendation: That the Commission vote to approve extensions of the Bureau of Land Management Recreation and Public Purposes Lease until a patent is issued to the Commission for the Yuma Regional Office, Yuma County, Arizona, and authorize the Director to execute necessary documents to extend the lease until such time a patent is issued to the Commission.

This item was pulled from the Consent Agenda for further discussion.

**Motion:** Carter moved and Gilstrap seconded THAT THE COMMISSION VOTE TO APPROVE CONSENT AGENDA ITEMS A, B, D, E, F, G, AND H.

**Vote:** Unanimous

John Kennedy made the presentation for Item 3.i.

**Motion:** Carter moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE EXTENSIONS OF THE BUREAU OF LAND MANAGEMENT RECREATION AND PUBLIC PURPOSES LEASE UNTIL A PATENT IS ISSUED TO THE COMMISSION FOR THE YUMA REGIONAL OFFICE, YUMA COUNTY, ARIZONA, AND AUTHORIZE THE DIRECTOR TO EXECUTE NECESSARY DOCUMENTS TO EXTEND THE LEASE UNTIL SUCH TIME A PATENT IS ISSUED TO THE COMMISSION.

Commissioner Carter noted that if this has taken since 1988, it would be in the Department's interest to do a search of all properties to try to get patents resolved while there is an administration that is working with the states on this front. The Department's efforts to try to secure properties are being challenged more and more by others.

**Vote:** Unanimous

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4. Request for the Commission to Approve the Special Use Permit with the Forest Service, Apache-Sitgreaves National Forests, for the Purpose of Continuing Management of Apache Trout Habitat With Home, Stinky and Centerfire Creeks

**Presenter:** John Kennedy, Habitat Branch Chief

On June 22, 1992, the Commission obtained Special Use Permits to implement Recovery Plan actions for the threatened Apache trout on Home and Stinky Creeks within the Apache-Sitgreaves (A-S) National Forests. On April 16, 1993, the Commission obtained an additional Special Use Permit to meet Recovery Plan objectives for Apache trout on Centerfire Creek, also located with the A-S. These permits expired December 31, 2002.

The Department would like to continue management to enhance Apache trout habitat within these creeks. For organizational purposes, the Department has requested that the Forest Service combine the two Special Use Permits into one permit.

**Motion:** Melton moved and Carter seconded THAT THE COMMISSION VOTE TO APPROVE THE SPECIAL USE PERMIT WITH THE FOREST SERVICE, APACHE-SITGREAVES NATIONAL FORESTS, FOR THE PURPOSE OF CONTINUING MANAGEMENT OF APACHE TROUT HABITAT WITHIN HOME, STINKY AND CENTERFIRE CREEKS ON THE APACHE-SITGREAVES NATIONAL FORESTS, APACHE COUNTY, ARIZONA, AND EXECUTE THE PERMIT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

**Vote:** Unanimous

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5. An Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto

**Presenter:** John Kennedy, Habitat Branch Chief

A copy of the printed update, which was provided to the Commission prior to the meeting, is included as part of these minutes.

Commissioner Carter asked for an update on the proposed land exchange near Greer in the Apache-Sitgreaves National Forests. Mr. Kennedy stated he did not have an update on the proposal itself, but did have updated information with respect to the Department's review of the land exchange. The Department's comments would be ready by the end of the month. Based on preliminary review, the Department was comfortable with the land exchange with respect to benefits to wildlife resources and wildlife-related recreation. It was felt the Commission's water rights would not be impacted as a result of the land exchange.

Commissioner Melton referenced the draft CCP for the Cabeza Prieta National Wildlife Refuge. He was concerned that the draft Plan had previously been done and approved. He hoped the outcome would be better addressed. He saw a better working relationship now between the Department and the U.S. Fish and Wildlife Service (FWS) on these CCPs. The Department was working hard to get FWS cooperation and coordination on these issues.

Commissioner Carter asked about the status of water catchment issues on the Sonoran Desert National Monument. Mr. Kennedy stated the status was explained in the update. Mr. Adkins added the IBLA did not have a lot of procedural rules and regulations. He did not know when there would be a decision on the report. Commissioner Carter stated the drought would continue into this summer. He asked the Department and Mr. Adkins to explore any avenues that could be pursued to bring closure to this issue so repairs could be done to enhance those facilities to meet wildlife needs for water. Director Shroufe noted he would pursue the avenue to go directly to the director of the Bureau of Land Management and ask her to remove it from the jurisdiction of IBLA as it is believed the Secretary of the Interior has that authority. Commissioner Chilton asked if a letter from the Commission would facilitate the remedy. Director Shroufe stated he would make the initial connection; if needed, he would come back with a request for assistance from the Commission in February.

Commissioner Carter asked about the South Fork development. Mr. Kennedy stated the proposal was unchanged. The only update was that controversy continues to increase in the local area. The Department has not provided further comment.

**Public comment**

Jon Fugate, President of the Yuma Valley Rod and Gun Club (YVRGC), distributed copies of a FWS synopsis for management on the Cabeza Prieta for the next 15 years. The proposed action is alternative #4. He hoped the Commission would support the Department to support something more than alternative #4. He gave examples. The Commission should go for everything for which it is responsible. Roads need to be open

for the management of wildlife. He urged the Commission to allow the Director and his staff to do everything they could to get everything possible on the Cabeza.

Mr. Fugate stated the Commission had “teeth” in the INRMP for the Barry M. Goldwater Range.

Mr. Fugate noted the Department intervened with the Bureau of Land Management (BLM) and has prepared extensive documentation indicating the contents of the appeal were not warranted on the Sonoran Desert National Monument. He named the entities that submitted the appeal. He stressed the IBLA judges must rule in favor of BLM and the Department. If this does not occur, the issue of whether the Department should be maintaining water catchments for wildlife anywhere in Arizona will continue to be contested, but now with case law. The YVRGC was doing everything possible to get a decision rendered quickly.

Blaine Bickford, representing the White Mountain Rod and Gun Club, agreed with Mr. Fugate’s concerns. He encouraged aggressive pursuit by the Department and Commission in seeking cooperation from the habitat management groups (BLM and National Forest Service, etc.). A public forum should be mandated and encouraged.

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Meeting recessed at 10:16 a.m.

Meeting reconvened at 10:26 a.m.

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## 7. Call to the Public

Debra Brimhall, representing Protecting Our Water, Energy and Recreational Resources (POWERR), invited Arizona Game and Fish to give the public the opportunity to support, with and by donations at the time they purchase a hunting or fishing license. POWERR’s mission is to bring all stakeholders to the discussion table. One of the goals of POWERR is to have grant writers searching for private foundation and grant money applications to give to the associations and organizations that are members of the foundation and support the mission of consensus and education. The POWERR wanted to preserve the public’s opportunities and rights to access recreational resources, and to build strong, responsible guidelines for use of recreational resources. She requested she be given the opportunity to have an official position on the agenda so that a policy or measure regarding future steps can be discussed

Rick Erman, representing the Arizona Wildlife Federation (AWF), asked the Commission to take action soon to develop a system to augment the drought. Anderson Mesa has been in drought 18 years; it would take 6”-36” of water to bring the area up to an even keel. Signs of drought are everywhere. A serious problem exists for grasses, forbs and shrubs staying alive. The AWF has been involved in a battle with the Coconino National Forest on future management of Anderson Mesa and how past management was directly related to the antelope populations, ephemeral wetlands and nesting water birds. The loss of the biotic community on Anderson Mesa is horrendous. The AWF was involved in a settlement process; until that is concluded, reports cannot be shared with the public.



Mr. Erman stated last year, there were 150 antelope on Anderson Mesa and the fawn:doe ratio for the past 10 years, according to the Department, is less than 10. This ratio does not come close to matching the annual doe mortality on the Mesa. Management on the Mesa should be one of multiple use. Destruction of the wetlands not only took away the nesting waterfowl sites, but the wet soils on the edge of the ephemeral wetlands were the production site of the forbs. Forbs were found to be 80% of the diet of the pronghorn antelope during the spring, summer and fall. Without fawns, there will be no antelope. He asked the Commission to direct the Department to immediately develop a sprinkler system similar to the one in the Cabeza to save Sonoran pronghorn. The water can be delivered by several methods: 1) water can be released out of Coconino Reservoir or pumped out of Ashurst or Kinnikinick to flood the ephemeral wetland; 2) water can be mechanically moved through a sprinkler system which would cover large acres of land and 3) water the area with a large construction tank. He hoped the Department would work with the U.S. Forest Service in developing a plan to save the Anderson Mesa antelope herd. Commissioner Gilstrap asked Mr. Erman for a written copy of his statement. Mr. Erman stated he would get his written statement to the Department so copies could be made and sent to the Commission.

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#### 6. Statewide Shooting Range Project Update

**Presenter:** Kerry Baldwin, Education Branch Chief

A written summary was provided to the Commission on major issues in the program prior to today's meeting.

The Pima County shooting range was moving forward again. The towns of Eagar and Mammoth have expressed interest in building shooting ranges. Department staff will follow up by using the strategic planning process.

Regarding Bellemont, the Department has requested that the Coconino National Forest provide a list of any outstanding elements they see for the land exchange process.

Yesterday, the Economic Development Committee met. The outcome was given of the meeting. The Commission had directed the Department to put out a Request For Information (RFI) on potential development opportunities on 130 acres of land associated with Ben Avery. One proposal was received from that process. Four companies expressed interest in submitting Requests for Proposal (RFP) if one is developed in the future. Little time was spent on review of the one proposal that was submitted. There is a viable potential for some level of retail on the property if the Commission desired to proceed. This will require a lot of interaction with the City of Phoenix on potential zoning issues. The City is interested in working with the Department.

The Commission has the option of looking at potentials of two approaches. One is to establish lands associated with Ben Avery as surplus lands. These lands would not be critical to the operation of the shooting range. If disposed of, these lands could have permanent caveats as to what happened to them, but the Department would have little

control as to who acquired the land. The second approach would be to look at the lands as a part of the management process and look at the potential of development in terms of concessionaires. The lands would stay within the Department but would be available on a long-term lease. The Department could be more aggressive in determining the kinds of development that would go in. Phoenix City Councilman Dave Siebert attended the meeting and provided options he had been looking at.

The Committee felt there were several items with which the Commission could be provided. The first is that the Director needed to establish a meeting as soon as possible with the new State Land Commissioner, Commission representatives, Councilman Siebert, City of Phoenix planning staff and BLM representatives to explore some specific land issues surrounding Ben Avery. These discussions should include the real potential for land transfers and purchases. Councilman Siebert stated his desire was to do something with the State land immediately north of Ben Avery.

Second, Councilman Siebert offered the city planning staff to assist us further if the Commission wanted to look at specific economic development potentials on the property, e.g., concession approach.

A third recommendation was to revisit the Ben Avery 10-year Plan. There were questions regarding wording in the Plan and there would be a chance to update it because the landscape has changed somewhat since that project was completed a few years ago. The Department could initiate the public process for discussion of that issue and clarify the Department's position.

Councilman Siebert provided the Committee with a proposal for long-range protection of Ben Avery. One of his strategies is that he wants to approach the Legislature with legislation that would require the Department and Commission to go to the public for a public referendum vote on any lease sales or activities related to Ben Avery property. It was felt the Commission and the Department's legislative liaison needed to have formal discussions with Councilman Siebert regarding the positives, negatives and implications of such an approach.

The Committee would like further direction from the Commission regarding exactly how we continue to go forward, e.g., should there be a RFP on the 130 acres and options on that land.

Commissioner Gilstrap questioned the level of confidentiality of the proposals. He also thought Councilman Siebert's recommendation was that he intended to look at legislation to protect the land as the Commission and City Council changed in the future. The Commission needed to look at that very closely to prevent getting into a position to where the public can dictate relatively easily what is done with the property. He was concerned about the unintended consequence that could be detrimental to shooting. Chairman Golightly stated his perspective was that a lot of information was being gathered on a lot of alternatives. At some point, some decisions will have to be made. There were a lot of unknowns at the present time, but it was important to get all the information in order to move forward.

Commissioner Melton stated focus should be on the north side of the mountain as it was the key to the puzzle in keeping the range open in perpetuity. Mr. Baldwin reminded the Commission that this element came up before and state leases existed on those properties. There is a contractor on our property. The Commission has been clear in the past that any discussions should be in context if the lands were to become available. The Commission was not promoting any current approach until the leases were to come up in their normal life spans.

Commissioner Gilstrap stated it was the preferred strategy of the Committee and Commission to control the land rather than “dispose” of the land.

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#### 9. State and Federal Legislation

**Presenter:** Anthony Guiles, Legislative Liaison

Currently, 450 bills have been introduced in the Legislature. Impacts of those bills on the Department are being analyzed. Department staff and Commissioners Carter and Gilstrap attended meetings regarding critical issues and the budget prior to the beginning of the legislative session. The Department gave a presentation on Wednesday to the House Natural Resources Committee. A copy of the Powerpoint presentation had been provided to the Commission. Later on Wednesday, 30 legislators attended the legislator/commissioner reception.

At this point, there are three pieces of legislation that would directly affect the Department; the Commission was provided with two pieces. The third piece dealt with the appropriation of federal monies. The Legislature wants to have authority to appropriate federal monies.

The other bill (H.B. 2298: watercraft registration; transfer; study) requires a study committee to look at transferring watercraft registration to the Motor Vehicles Department. The third bill's intent (H.B. 2314: game and fish; land disposition) was for shooting range protection. There were unintended consequences that are going along with this as currently written.

**Motion:** Melton moved and Gilstrap seconded THAT THE COMMISSION VOTE TO OPPOSE THE THREE PIECES OF LEGISLATION IN THEIR CURRENT FORMS.

Commissioner Gilstrap stated it was important to work with those who formed this legislation to find out their objectives, and through changes in wording, the bills could meet those objectives. The Commission could then change its position from oppose to support on land disposal. Commissioner Carter stated it was critical to work with them and for the Department to modify what was believed was the initial objective, i.e., to protect those lands from management decisions that could destroy what was being built. He thought oppose was too strong a word.

Commissioner Chilton suggested that there be a separate motion for H.B. 2314. Mr. Guiles clarified the Commission would oppose the bills in their current forms and work

with some future organizations to modify them so the Commission could take a different position.

**Vote:** Carter, Gilstrap and Melton – Aye  
Chilton – Abstained  
Motion carried 3 to 1

Commissioner Chilton clarified the Commission wanted to work with people to achieve their goals but the current wording would have unintended consequences. She was not pleased with the bills in their current forms.

Chairman Golightly advised Mr. Guiles that in the future, bills would be voted on individually for Commission position.

**Motion:** Carter moved and Melton seconded THAT THE COMMISSION DIRECT THE DEPARTMENT TO WORK WITH THE SPONSORS OF THESE BILLS TO ACHIEVE THE ORIGINAL INTENT OF THE LANDS ISSUE, AS WELL AS OFFERING ALTERNATIVES FOR THE TITLE REGISTRATION BILL AND FEDERAL APPROPRIATIONS.

**Vote:** Unanimous

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Commissioners Carter and Gilstrap left the meeting at 11:20 a.m. to attend meetings at the Legislature.

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11. Pierce Petition to Renew a Road Closure on State Trust Land Approximate Ten Miles West of Chino Valley, Arizona

**Presenter:** Fred Bloom, Development Branch Chief

Stephen Pierce submitted a petition to renew a closure on a road located on the southern quarter of a section of State Trust land, approximately ten miles west of Chino Valley. Mr. Pierce has been a cooperator with the Department in providing hunter access on and through private lands for antelope hunts in Units 17A and 17B. The unnamed two-track road, approximately ¼ mile in length, traverses a parcel of State Trust land that is surrounded by private land. This road had been closed through a previous closure petition, which was granted by the Commission in 1977. In August 2001, road closures exceeding five years were revisited. The Department did not recommend renewal at that time as it was determined the language described in the purpose of the closure in the original petition was inconsistent with the criteria established in ARS §17-452(A) authorizing the Commission to close an area to motor vehicles.

The primary purpose of the proposed road closure is to prevent further resource damage to soils and vegetation, specifically riparian habitat along Hitt Wash, which runs through both State Trust land and adjacent private lands. The closure would facilitate access control initiated by the U.S. Forest Service to preserve riparian habitat along this wash,

which has been heavily impacted by OHV use. This closure would have minimal impact on sportsmen or other legitimate users.

There has been no known public concern to the original closure. Region III personnel and the Arizona State Land Department support the closure request.

**Motion:** Melton moved and Chilton seconded THAT THE COMMISSION VOTE TO APPROVE THE PETITION TO CLOSE A ROAD ON STATE TRUST LAND LOCATED APPROXIMATELY TEN MILES WEST OF CHINO VALLEY, ARIZONA.

**Vote:** Chilton and Melton – Aye  
Chair voted Aye  
Carter and Gilstrap – Absent  
Motion carried

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12. O'Haco Petition to Close a Road on State Trust Land Approximately Twenty-five Miles South of Winslow, Arizona

**Presenter:** Fred Bloom, Development Branch Chief

Jim O'Haco submitted a petition requesting renewal of a seasonal road closure on State Trust land located approximately 25 miles south of Winslow. The gate will control access to one section of State Trust land and surrounding privately owned sections. This seasonal closure has been in effect through a previous closure petition, which was granted by the Commission in 1997. It is also associated with the Chevelon Butte Cattle Company's commitment to allow access through private lands as part of a cooperative agreement executed by the Department in 1996. The primary purpose of the proposed road closure is to prevent habitat damage and erosion during wet periods (summer and winter) from illegal cross-country vehicular travel.

The proposed closure will be accomplished by means of a locked gate. The requested dates of the limited access closure are from December 1 to August 15 annually, when access will be by verbal permission only. During the remainder of the year, between August 16 and November 30, the gate will remain unlocked to provide public access. Sportsmen will be required to sign in and out as appropriate under the current Landowner Respect Program requirements.

There are currently four access roads to Mr. O'Haco's Chevelon Butte Cattle Company Ranch. Three of these are on private lands; the other, the subject of this petition, is on State Trust land. All four access roads will be managed in the same manner with respect to seasonal public access or permission only access.

**Motion:** Chilton moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE PETITION FOR A SEASONAL LIMITED ACCESS ROAD CLOSURE ON STATE TRUST LAND LOCATED APPROXIMATELY TWENTY-FIVE MILES SOUTH OF WINSLOW.

**Vote:** Chilton and Melton – Aye  
Chair voted Aye  
Carter and Gilstrap – Absent  
Motion carried

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13. Desert Foothills Land Trust Petition to Close a Segment of Road on State Trust Land Entering the Go John Canyon Preserve Near Cave Creek, Arizona

**Presenter:** Fred Bloom, Development Branch Chief

Thomas Hulen, Conservation Director of the Desert Foothills Land Trust (DFLT), submitted a petition to close a road on State Trust land located in Cave Creek. This request is for closure to vehicular access on approximately ¼ mile of unnamed road leading to the Go John Canyon Preserve. The closure would be accomplished through signing and locking of one gate. Non-motorized access by sportsmen will continue to be allowed.

The primary purpose of the proposed road closure is to protect the Preserve's wildlife and habitat from damage caused by travel on the existing road, the creation of wildcat roads, ATV trails, and illegal dumping.

The parcel of State Trust land, which includes the proposed closure, is pending purchase by the DFLT in 2003. The Preserve was acquired by DFLT via the Arizona Preserve Initiative as a conservation area. Lands acquired through the Arizona Preserve Initiative carry land patent restrictions, which include protecting the property's resources (wildlife, scenic beauty, etc.) and preventing any use of or impact upon the property that will significantly impair or interfere with the conservation values of the property.

Region VI and the State Land Department support the closure request.

**Motion:** Melton moved and Golightly seconded THAT THE COMMISSION VOTE TO APPROVE THE PETITION TO CLOSE THE ROAD ON STATE TRUST LAND LEADING TO THE GO JOHN PRESERVE NEAR CAVE CREEK, ARIZONA.

Commissioner Chilton asked if this cut off access to other parcels of land that would be open to hunting and recreation. Mr. Bloom explained what would be achieved with this closure. There was no thru traffic with regard to access and a residential area surrounded the area.

**Vote:** Melton – Aye  
Chilton – Abstained  
Chair voted Aye

Mr. Odenkirk was concerned with this situation. The three members of the Commission present made up a quorum. When one member abstains in voting, this means there were only two members participating, which lacks a quorum. To avoid a problem, Commissioner Chilton should vote either for or against.

**Vote:** Chilton voted Aye  
Motion carried

Commissioner Chilton was concerned about what was trying to be accomplished. She did not want to see access shut off where it may not be the best thing.

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14. Request to Consider an Out-of-Cycle Rule Change and a Notice of Rulemaking Docket Opening for R12-4-102, Fees for Licenses, Tags, Stamps, and Permits to Adopt the Kaibab North Special Deer Hunting Permit Fee Increase

**Presenter:** Mark E. Naugle, Rules and Risk Manager

For additional background information, see Commission meeting minutes for February 23, 2001, page 15 and December 7, 2002, pages 21 and 38. If the rule were taken out-of-cycle, the Department anticipates an effective date of May 2004.

**Motion:** Melton moved and Chilton seconded THAT THE COMMISSION VOTE TO APPROVE AN OUT-OF-CYCLE RULE CHANGE AND TO AUTHORIZE A NOTICE OF RULEMAKING DOCKET OPENING FOR THE AMENDMENT OF R12-4-102 TO ADOPT THE KAIBAB NORTH SPECIAL DEER HUNTING PERMIT FEE INCREASE AUTHORIZED BY THE 2001 AGREEMENT BETWEEN THE ARIZONA GAME AND FISH COMMISSION AND THE UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE, KAIBAB NATIONAL FOREST. THE AUTHORIZED FEE INCREASE IS FROM \$5 TO \$15.

**Vote:** Chilton and Melton – Aye  
Chair voted Aye  
Carter and Gilstrap – Absent  
Motion carried

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18. Request to Re-approve the Following Rulemaking Notices: the Notice of Emergency Rulemaking for the Adoption of New Rule R12-4-527; the Notice of Rulemaking Docket Opening for R12-4-504, R12-4-507, R12-4-509, and R12-4-527; and the Notice of Proposed Rulemaking for R12-4-504, R12-4-507, R12-4-509, and R12-4-527 to Address Issues Associated with Transfers of Ownership of Towed Watercraft

**Presenter:** Mark Naugle, Rules and Risk Manager

During the last legislative session, new statutes were passed to authorize the Department to institute a procedure for the transfer of ownership of towed abandoned and released watercraft to towing companies. The new statutes became effective January 1, 2003.

For additional background information, see Commission meeting minutes for October 18, 2002, pages 12-14 and December 7, 2002, pages 34-35.

During the review of the Notice of Emergency Rulemaking request, the Attorney General's Office reexamined the Commission's statutory authority to promulgate the emergency rule. The Attorney General's Office has taken the position that the Commission did not have authority to approve a rulemaking docket for the emergency rule in October because the statute that was passed by the Legislature would not be effective until January 1, 2003. The Commission approved the Notices of Docket Opening and Proposed Rulemaking under this same authority, both of which were filed with the Governor's Regulatory Review Council (GRRC) and the Secretary of State.

There is also uncertainty within the Attorney General's Office over the meaning of language contained in ARS §41-1026, (Attorney General's authority for emergency rulemaking) and new language added to ARS §41-1032 (the effective date for rule set 60 days after certification and filing with the Secretary of State). It has not yet been determined whether or not an emergency rule can be made effective immediately upon the Attorney General's filing with the Secretary of State when that office is required to allow 60 days to lapse before a rule can become effective.

In his legal advice of December 26, 2002, Assistant Attorney General Jay Adkins advised that in order to properly certify this rulemaking as an emergency, the Commission must again vote to approve a Notice of Emergency Rulemaking after it has statutory authority to initiate rules to implement the procedure for transfer of ownership of watercraft, specifically after January 1 2003. Unfortunately, this additional process will delay the implementation of the emergency rule; however, it will result in an emergency rule certified for use sooner than would be possible under the regular rulemaking process. Once the Commission has voted to re-approve the Notice of Emergency Rulemaking, the Department will resubmit it to the Office of the Attorney General.

Regarding the Notice of Docket Opening and the Notice of Proposed Rulemaking, the GRRC does not share the same opinion of the Attorney General that the Commission did not have authority to promulgate emergency rulemaking until the authorizing statute became effective. Therefore, GRRC has indicated no conflict with either Notice. However, the Department recommended re-approval of both Notices as a precaution because the opinion of the Attorney General regarding the legality of these actions taken before statutory authority was given could have an unforeseen impact. The projected effective date of the regular rule is August 4, 2003.

If re-approved by the Commission, the Notice of Emergency Rulemaking will be filed with the Attorney General on January 20, 2003. Should the Attorney General approve the rule as an emergency, if it is determined to meet the requirements of both ARS §§41-1026 and 1032, it can go into effect immediately. If it satisfies the requirements of ARS §1026, but fails to meet the requirements of ARS § 41-1032, then it will not become effective for 60 days thereafter. Both the approved out-of-cycle Rulemaking Docket and Notice of Proposed Rulemaking for Article 5 are following their detailed timelines.

**Motion:** Chilton moved and Melton seconded THAT THE COMMISSION VOTE TO RE-APPROVE THE FOLLOWING RULEMAKING NOTICES: THE NOTICE OF EMERGENCY RULEMAKING FOR THE ADOPTION OF NEW RULE R12-4-527,; THE NOTICE OF RULEMAKING DOCKET OPENING FOR R12-4-504, R12-4-507, R12-4-509 AND R12-4-527; AND THE NOTICE OF PROPOSED RULEMAKING



FOR R12-4-504, R12-4-507, R12-4-509 AND R12-4-527 TO ADDRESS THE TRANSFER OF OWNERSHIP OF A TOWED WATERCRAFT.

**Vote:** Chilton and Melton – Aye  
Chair voted Aye  
Carter and Gilstrap – Absent  
Motion carried

\* \* \* \* \*

Meeting recessed at 11:40 a.m.

Meeting reconvened at 1:35 p.m.

\* \* \* \* \*

8. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

**Presenter:** Leonard Ordway, Law Enforcement Branch Chief

Record of these proceedings is maintained in a separate minutes book in the Director's Office.

\* \* \* \* \*

10. Fletcher Petition to Close a Road on State Trust Land Near Coyote Springs Subdivision North of Prescott Valley, Arizona

**Presenter:** Fred Bloom, Development Branch Chief

Jim Fletcher submitted a petition to request a closure to vehicular access on State Trust land north of Coyote Springs subdivision, which is north of Prescott Valley. The request is for permanent closure to vehicular access to approximately three miles of roadway, which loop off a road running north across Sections 29 and 32. The closure would be accomplished through signing and locking of one gate. If the closure were accepted, habitat improvements would occur. Reasonable alternative access surrounding the area exists for sportsmen and other legitimate users.

The primary purpose of the proposed road closure is to prevent further resource damage to the soils and vegetation on the parcel of land described above and on the surrounding areas from the multitude of off-road vehicles. Secondary purposes of the road closure are to protect water developments that benefit wildlife and prevent continued use of the area as an illegal trash dump. Vandalism of range improvements, including a well and pipeline, has also occurred.

Mr. Fletcher has been participating in the Landowner Respect Program and has had Adopt-A-Ranch cleanup projects, but efforts seem unable to keep up with the dramatic increase in use of the area.

The Arizona State Land Department (SLD) supported the closure request with the exception of the one gate. The gate should remain in place until an alternative route is developed. Tammy Pike, Environmental and Trespass Section Off-Highway Vehicle

Program Administrator for the SLD, was present at today's meeting. Mr. Fletcher was also present.

Slides were shown of habitat degradation and dumping in the area. A map was also shown of the area.

Ms. Pike noted there was concern with fires in the area as well as further habitat damage. The SLD was considering continuing access from the end of Coyote Springs across State Land through to Route 318A. She asked that the gate be left open for six months until the new route was put in.

Commissioner Melton stated he personally saw all of the resource damage in that area.

Mr. Fletcher explained his frustration as a rancher in the area.

**Motion:** Gilstrap moved and Carter seconded THAT WITH THE AMENDMENT RECOMMENDED BY THE STATE LAND DEPARTMENT, THE COMMISSION VOTE TO APPROVE THE PETITION TO CLOSE THE ROAD ON STATE TRUST LAND NEAR COYOTE SPRINGS SUBDIVISION, NORTH OF PRESCOTT VALLEY, ARIZONA.

**Vote:** Unanimous

Commissioner Chilton asked about law enforcement. Officer Scott Poppenberger gave a briefing on assistance from other law enforcement agencies. Patrol efforts are organized within the sector, but it is primarily a Game and Fish and State Land patrol effort. During the fire closure, a decrease in vandalism was noted. This was a big step forward.

Ms. Pike hoped efforts would be forthcoming from the Yavapai County Sheriff's Office with regard to increasing the number of trespass citations written on State Land. Mr. Bloom noted there was an established OHV area in Prescott.

\* \* \* \* \*

#### 15. Selection of New Members of the Heritage Public Advisory Committee

**Presenter:** Steve K. Ferrell, Deputy Director

The terms of eight members of the Heritage Public Advisory Committee (HPAC) are due to expire in March 2003. Positions involve one representative from each Region, one statewide representative and one national representative. The terms are for three years. In accordance with the HPAC Charter, two nominees for each Region, two statewide nominees and two national nominees were forwarded to the Commission for consideration as appointments to the HPAC.

Nominees include:

Region I	Greg Butler	Kent Brooksby
Region II	Paul J. Weitz	Maggie Sacher
Region III	Cindi LaBash	James Jett
Region IV	John King	Valerie Morrill
Region V	Dennis Ward	Diane Drobka
Region VI	Jerry Nelson	Tony Nelssen
State	Jean Calhoun	Larry Cullen
National	Margaret Bohannon	Dario Travini

Commissioner Carter asked the Commission to move Diane Drobka, nominee in Region V, to the candidate level for the state representative.

Commissioners were asked to use ballots provided by the Department for their choices.

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Meeting recessed at 2:50 p.m.

Meeting reconvened at 3:02 p.m.

\* \* \* \* \*

Mr. Ferrell gave the results of the balloting. Selections were:

Region I	Greg Butler
Region II	Maggie Sacher
Region III	James Jett
Region IV	Valerie Morrill
Region V	Dennis Ward
Region VI	Jerry Nelson
State	Diane Drobka
National	Margaret Bohannon

**Motion:** Carter moved and Gilstrap seconded THAT THE COMMISSION VOTE TO APPROVE THE SELECTION OF EIGHT NEW MEMBERS OF THE HERITAGE PUBLIC ADVISORY COMMITTEE INCLUDING ONE REPRESENTATIVE FROM EACH OF THE DEPARTMENT'S SIX REGIONS, ONE STATEWIDE REPRESENTATIVE AND ONE NATIONAL REPRESENTATIVE.

**Vote:** Unanimous

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16. An Overview of the Existing Process Used for the Dissemination of the Commission's Executive Session and Regular Meeting Minutes to Commissioners and Department Staff

**Presenter:** Dana Yost, Executive Staff Assistant

Mr. Yost noted there were no problems associated with keeping executive session minutes secure and apart from regular public session minutes.

The Department reviewed the existing process for the dissemination of the Commission's executive session and regular meeting minutes and developed alternatives designed to improve the process while ensuring the confidentiality of executive session minutes.

The Department asked the Commission to provide direction on the following alternatives for the distribution of Commission meeting minutes:

**Recommended Process Improvements for the Distribution of the Commission's executive session and regular session minutes**

1. Draft executive session and regular meeting minutes will no longer be sent with regular Commission mailings. Instead, draft minutes will be mailed separately to commissioners via Express Mail or Priority Mail.
2. Commissioners will return draft executive session and regular meeting minutes to the Director's secretary at the next Commission meeting to be shredded and disposed of once the commissioners have finished with them. (Return envelopes will be provided for this purpose in the mailing packages that contain the meeting minutes.)

Chairman Golightly expressed concern with the public getting the draft minutes and dissecting them before the Commission has had a chance to review them. Mr. Odenkirk described the availability of minutes. There was an option to provide tapes from meetings before minutes were approved. This would be the recommended procedure. Director Shroufe reminded the Commission executive session minutes were not on tapes available to the public.

Mr. Yost noted because the commissioners were concerned about keeping draft minutes at their homes, recommendation #2 was proposed to alleviate that concern. Director Shroufe noted the written minutes would become official when they were signed.

Commissioner Gilstrap stated he would be more comfortable in returning draft executive session to the Department.

**Motion:** Gilstrap moved and Carter seconded THAT THE COMMISSION VOTE TO APPROVE THE DEPARTMENT'S RECOMMENDATION ON THE DISTRIBUTION OF THE MINUTES.

**Vote:** Unanimous

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17. Director's Goals and Objectives - 2003

**Presenter:** Duane L. Shroufe, Director

The Director's goals and objectives for 2003 were discussed.

1. Access to Public and State Land

Investigate acquisition of easements and rights of way  
Focus personnel efforts on problem areas  
Collaborate with private landowners and lessees

Commission consensus was to continue to implement this as a goal for 2003.

2. Continue to work with local, state, regional and national levels of federal land management agencies to secure all the authorities and agreements possible with respect to the management of wildlife in Arizona on public lands; not only as they relate with endangered or threatened species, but habitat issues as well.

Director Shroufe noted the goal was to do everything possible locally, regionally, statewide and nationally to ensure the Department's authority over wildlife management is as strong as possible and recognized by those agencies with their full cooperation.

3. Continue with Ben Avery Land Development Plan

- Explore options for location of the Department's headquarters

Director Shroufe stated he and Deputy Director Ferrell have worked on implementing a plan that would result in the Department being in better shape in the future. One of the issues was how to take care of and improve capital facilities.

4. Seek options to change the hunt online application process to charge full amount of permit up front.

Commissioner Gilstrap supported the implementation of the on-line application process and wanted to continue that and make it more effective. He was concerned with the Department's inability to charge at the time of application; he wanted to seek options to create a way to charge at the time of application. He wanted to accomplish, in particular, that nonresident hunters could not apply for all of the principal big game species for only \$5 until permitted.

Commissioner Chilton was pleased with the progress the Department has made with trying to project an image and reality of being collaborative with rural peoples to preserve access and to reduce problems. She wanted the Department to carry that further with agreements and MOUs that affect local landowners. These local people should be included in the process and brought into multi-agency accords. Director Shroufe noted there was a similar goal in 2002 (Priority given to working with local groups on local issues under Enhance Statewide Image). The goal might be reworded as follows:

5. Enhance Statewide Image

- Priority given to working and cooperating with local groups on local issues

Commissioner Melton wanted to explore supplementing habitat improvements for wildlife during the drought. The Department should investigate projects to recruit more fawns into the deer and antelope populations. Director Shroufe suggested the following:

6. Explore all opportunities to enhance wildlife habitats and water resources for wildlife with cooperating landowners and landowning agencies. This includes providing seeds, wells, and waters for wildlife and to habitat.

The Director's goals and objectives for 2002 were reviewed. Those retained for 2003:

7. Repeat Legislative Day
  - Improve and enhance the Legislative Day Reception
  - Identify sources to sponsor and bring plan to Commission by October
8. Ensure Revenue Streams and Find New Sources
  - Explore opportunities for all wildlife recreationists to contribute

Commissioner Carter noted that the wildlife recreation constituency was growing in the state, but only a small portion pays the bills; i.e., purchase of licenses. Opportunities should be explored without looking at statewide taxation or fees. Director Shroufe noted a bullet could be included under the above goal to:

The following process was noted as not being completed between the Department and BLM in 2002:

9. Establish Program to Improve Water Resource Needs on the Arizona Strip
  - Work with cooperators who have similar responsibilities

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#### 19. Call to the Public

There were no comments.

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#### 20. Director's and Chairman's Reports

Chairman Golightly spent time working on shooting range issues in northern Arizona. Yesterday he conducted a meeting with the Wildlife Assets Committee.

Director Shroufe reminded the Commission about the written updates from the Divisions.

Director Shroufe attended the Western Association of Fish and Wildlife Agencies (WAFWA) mid-winter meeting in Coronado, California.

Director Shroufe attended the Regional Project Leaders' in San Antonio at the request of U.S. Fish and Wildlife Service (FWS) Regional Director Dale Hall. The title of his presentation was "What a Difference a Year Makes".

Director Shroufe met with Colonel Uken of Luke Air Force Base and Department of Defense officials from Washington, D.C. regarding the INRMP process.

Director Shroufe spent time at the Legislature. He distributed a draft statewide water resources report to the Commission. The draft report was out to the public; input should be received within the next 30 days. Comments would be reviewed before the report is finalized.

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## 21. Commissioners' Reports

Commissioner Melton attended the FWS meeting regarding issues on the Cabeza Prieta. He was pleased with the positive progress being made with the FWS.

Commissioner Carter met with the Greenlee County Board of Supervisors regarding the Mexican wolf program. As a result of the meeting, they have agreed to stay in the program as a part of the IMAG team and will be hosting the next IMAG meeting in Clifton in February. He met with City of Safford officials on the Frye Mesa project. He attended the WAFWA meeting. He spent time with Deputy Director Ferrell, Legislative Liaison Tony Guiles and Commissioner Gilstrap visiting with House and Senate members on the FY 04-05 budget. He thought progress had been made. He testified at the Natural Resources Committee hearing.

Commissioner Chilton worked on resident/nonresident hunting issues with regard to the 10% cap. The hunting public is trying to come up with creative ideas. She worked on water and forage issues for wildlife. It was important for the Department to work with ranchers and farmers as they are the ones who provide those resources.

Commissioner Gilstrap visited the Fletcher allotment. He attended meetings at the Legislature.

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## 22. Approval of Minutes

**Motion:** Carter moved and Gilstrap seconded THAT THE COMMISSION APPROVE THE MINUTES FOR DECEMBER 6-7, 2002 AND THE TELEPHONE CONFERENCE CALL FOR DECEMBER 17, 2002.

**Vote:** Unanimous

The minutes for October 2, 2002 and October 18-19, 2002 were signed.

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23. Election of Officers

**Motion:** Gilstrap moved and Melton seconded THE RECOMMENDATION OF JOE CARTER FOR CHAIRMAN AND SUE CHILTON FOR VICE CHAIRMAN FOR 2003.

**Vote:** Unanimous

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24. Future Agenda Items

Pursue through the BLM director and/or Secretary of the Interior a faster alternative than the IBLA process for resolution of Department interests on Sonoran Desert National Monument. If necessary, seek direction from the Commission for a letter to Secretary of the Interior compelling resolution on the Department's behalf.

Identify Department properties held in RP&P leases with BLM provisions in order to obtain title under the current federal administration. Mr. Shroufe stated he would confer with John Kennedy to determine when that could be done and come back to the Commission with an update.

Commissioner Carter stated there was an opportunity to see the results of the pilot project with respect to wildlife values and the views on them at the WAFWA meeting. The information refers to the populace view towards wildlife, which differs greatly. He wanted someone to make a presentation on the report. There is a social dimension and a broader audience the Commission must give consideration to when looking at wildlife and management of wildlife. Commissioner Gilstrap asked that a copy of the written report be given to the Commission prior to the presentation.

Commissioner Carter requested a progress report on the black-tailed prairie dog project in Arizona in terms of the 12-step process. This request is a result of the resolution of the Eastern Counties Organization. It would be helpful to identify the states that were still in the program and to give a report as to whether or not there has been a change in the position of some of those states and possible challenges.

Commissioner Chilton referenced Mr. Fugate's presentation regarding the Cabeza Prieta and alternatives that were being offered. She asked if the Commission could recommend support of a certain alternative or terms. Director Shroufe stated the Department was in the process of working on the preferred alternative prior to a draft going out. The Commission would then be given the opportunity to comment on the alternative. If the preferred alternative was different than the Commission or Department wanted to recommend, there would still be a 30-45 day comment period.

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Meeting recessed at 4:07 p.m.

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